

2023 -- S 0965 SUBSTITUTE A

LC002697/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO INSURANCE -- THE TELEMEDICINE COVERAGE ACT

Introduced By: Senators LaMountain, and Lauria

Date Introduced: May 02, 2023

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 27-81-3 of the General Laws in Chapter 27-81 entitled "The
2 Telemedicine Coverage Act" is hereby amended to read as follows:

3 **27-81-3. Definitions.**

4 As used in this chapter:

5 (1) "Clinically appropriate" means care that is delivered in the appropriate medical setting.

6 (2) "Distant site" means a site at which a healthcare provider is located while providing
7 healthcare services by means of telemedicine.

8 (3) "Healthcare facility" means an institution providing healthcare services or a healthcare
9 setting, including, but not limited to: hospitals and other licensed, inpatient centers; ambulatory
10 surgical or treatment centers; skilled nursing centers; residential treatment centers; diagnostic,
11 laboratory and imaging centers; and rehabilitation and other therapeutic health settings.

12 (4) "Healthcare professional" means a physician or other healthcare practitioner licensed,
13 accredited, or certified to perform specified healthcare services consistent with state law.

14 (5) "Healthcare provider" means a healthcare professional or a healthcare facility.

15 (6) "Healthcare services" means any services included in the furnishing to any individual
16 of medical, podiatric, or dental care, or hospitalization, or incident to the furnishing of that care or
17 hospitalization, and the furnishing to any person of any and all other services for the purpose of
18 preventing, alleviating, curing, or healing human illness, injury, or physical disability.

19 (7) "Health insurer" means any person, firm, or corporation offering and/or insuring

1 healthcare services on a prepaid basis, including, but not limited to, a nonprofit service corporation,
2 a health maintenance organization, the Rhode Island Medicaid program, including its contracted
3 managed care entities, or an entity offering a policy of accident and sickness insurance.

4 (8) “Health maintenance organization” means a health maintenance organization as defined
5 in chapter 41 of this title.

6 (9) “Medically necessary” means medical, surgical, or other services required for the
7 prevention, diagnosis, cure, or treatment of a health-related condition, including services necessary
8 to prevent a decremental change in either medical or mental health status.

9 (10) “Nonprofit service corporation” means a nonprofit hospital service corporation as
10 defined in chapter 19 of this title, or a nonprofit medical service corporation as defined in chapter
11 20 of this title.

12 (11) “Originating site” means a site at which a patient is located at the time healthcare
13 services are provided to them by means of telemedicine, which can include a patient’s home where
14 medically necessary and clinically appropriate.

15 (12) “Patient-provider relationship” means a collaborative effort between a patient and a
16 healthcare professional for the provision of healthcare services that may be established when the
17 healthcare professional agrees to undertake diagnosis and treatment of the patient, and the patient
18 agrees to be treated, whether or not there is an in-person encounter between the healthcare
19 professional and patient. A patient-provider relationship may be established via either synchronous
20 or asynchronous telemedicine technologies without any requirement of a prior in-person meeting,
21 so long as the standard of care is met, the treatment delivered to the patient is within the scope of
22 practice for which the healthcare professional is a Rhode Island licensed medical professional, and
23 is delivered pursuant to the same standard of care that would apply to the delivery of the treatment
24 in an in-person setting, including obtaining the patient's informed consent to be treated using
25 telemedicine, furnishing the patient with the healthcare provider's location, contact information and
26 licensure credentials, and providing the patient with information sufficient to locate appropriate
27 follow up care.

28 (13) “Policy of accident and sickness insurance” means a policy of accident and sickness
29 insurance as defined in chapter 18 of this title.

30 ~~(13)~~(14) “Rhode Island Medicaid program” means a state-administered, medical assistance
31 program that is funded by the state and federal governments under Title XIX and Title XXI of the
32 U.S. Social Security Act and any general or public laws and administered by the executive office
33 of health and human services.

34 ~~(14)~~(15) “Store-and-forward technology” means the technology used to enable the

1 transmission of a patient's medical information from an originating site to the healthcare provider
2 at the distant site without the patient being present.

3 ~~(15)~~(16) "Telemedicine" means the delivery of clinical healthcare services by use of real
4 time, two-way synchronous audio, video, telephone-audio-only communications or electronic
5 media or other telecommunications technology including, but not limited to: online adaptive
6 interviews, remote patient monitoring devices, audiovisual communications, including the
7 application of secure video conferencing or store-and-forward technology to provide or support
8 healthcare delivery, which facilitate the assessment, diagnosis, counseling and prescribing
9 treatment, and care management of a patient's health care while such patient is at an originating
10 site and the healthcare provider is at a distant site, consistent with applicable federal laws and
11 regulations. "Telemedicine" does not include an email message or facsimile transmission between
12 the provider and patient, or an automated computer program used to diagnose and/or treat ocular
13 or refractive conditions.

14 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would define a patient-provider relationship as when the healthcare professional
2 agrees to undertake diagnosis and treatment of the patient and the patient agrees to be treated. This
3 act further allows for a relationship to be established without any requirement of a prior in-person
4 meeting so long as the standard of care is met.

5 This act would take effect upon passage.

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